

AN ACT

relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.003, Health and Safety Code, is amended by adding Subdivisions (4-a) and (9-b) and amending Subdivision (7-b) to read as follows:

(4-a) "Electric vehicle" means a motor vehicle that draws propulsion energy only from a rechargeable energy storage system.

(7-b) "Hybrid [~~motor~~] vehicle" means a motor vehicle that draws propulsion energy from both gasoline or conventional diesel fuel and a rechargeable energy storage system.

(9-b) "Natural gas vehicle" means a motor vehicle that uses only compressed natural gas or liquefied natural gas as fuel.

SECTION 2. Section 382.209(e), Health and Safety Code, is amended to read as follows:

(e) A vehicle is not eligible to participate in a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program established under this section unless:

- (1) the vehicle is capable of being operated;
- (2) the registration of the vehicle:
 - (A) is current; and
 - (B) reflects that the vehicle has been registered

1 in the county implementing the program for at least ~~[the]~~ 12 of the
2 15 months preceding the application for participation in the
3 program;

4 (3) the commissioners court of the county
5 administering the program determines that the vehicle meets the
6 eligibility criteria adopted by the commission, the Texas
7 Department of Motor Vehicles, and the Public Safety Commission;

8 (4) if the vehicle is to be repaired, the repair is
9 done by a repair facility recognized by the Department of Public
10 Safety, which may be an independent or private entity licensed by
11 the state; and

12 (5) if the vehicle is to be retired under this
13 subsection and Section 382.213, the replacement vehicle is a
14 qualifying motor vehicle.

15 SECTION 3. Sections 382.210(a) and (b), Health and Safety
16 Code, are amended to read as follows:

17 (a) The commission by rule shall adopt guidelines to assist
18 a participating county in implementing a low-income vehicle repair
19 assistance, retrofit, and accelerated vehicle retirement program
20 authorized under Section 382.209. The guidelines at a minimum
21 shall recommend:

22 (1) a minimum and maximum amount for repair
23 assistance;

24 (2) a minimum and maximum amount toward the purchase
25 price of a replacement vehicle qualified for the accelerated
26 retirement program, based on vehicle type and model year, with the
27 maximum amount not to exceed:

(A) \$3,000 for a replacement car of the current model year or the previous three model years, except as provided by Paragraph (C);

(B) \$3,000 for a replacement truck of the current model year or the previous two model years, except as provided by Paragraph (C); and

(C) \$3,500 for a replacement ~~hybrid~~ vehicle of the current model year or the previous three model years that:

(i) is a hybrid vehicle, electric vehicle, or natural gas vehicle; or

(ii) has been certified to meet federal Tier 2, Bin 3 or a cleaner Bin certification under 40 C.F.R. Section 86.1811-04, as published in the February 10, 2000, Federal Register [year];

(3) criteria for determining eligibility, taking into account:

(A) the vehicle owner's income, which may not exceed 300 percent of the federal poverty level;

(B) the fair market value of the vehicle; and

(C) any other relevant considerations;

(4) safeguards for preventing fraud in the repair, purchase, or sale of a vehicle in the program; and

(5) procedures for determining the degree and amount of repair assistance a vehicle is allowed, based on:

(A) the amount of money the vehicle owner has spent on repairs;

(B) the vehicle owner's income; and

(C) any other relevant factors.

(b) A replacement vehicle described by Subsection (a)(2) must:

(1) except as provided by Subsection (c), be a vehicle in a class or category of vehicles that has been certified to meet federal Tier 2, Bin 5 or a cleaner Bin certification under 40 C.F.R. Section 86.1811-04, as published in the February 10, 2000, Federal Register;

(2) have a gross vehicle weight rating of less than 10,000 pounds; ~~and~~

(3) have an odometer reading of not more than 70,000 miles; and

(4) be a vehicle the total cost of which does not exceed:

(A) for a vehicle described by Subsection (a)(2)(A) or (B), \$35,000; or

(B) for a vehicle described by Subsection (a)(2)(C), \$45,000 [~~\$25,000~~].

SECTION 4. Section 382.213, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (h) to read as follows:

(a-1) The commission shall establish a partnership with representatives of the steel industry, automobile dismantlers, and the scrap metal recycling industry to ensure that:

(1) vehicles retired under Section 382.209 are scrapped or recycled; and

(2) proof of scrapping or recycling is provided to the

1 commission.

2 (h) The [~~For purposes of this section, the~~] commission shall
3 adopt rules:

4 (1) defining "emissions control equipment" and
5 "engine" for the purposes of this section; and

6 (2) providing a procedure for certifying that
7 emissions control equipment and vehicle engines have been scrapped
8 or recycled.["]

9 SECTION 5. This Act takes effect September 1, 2011.

H.B. No. 3272

David Newhall

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 3272 was passed by the House on April 27, 2011, by the following vote: Yeas 132, Nays 15, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3272 was passed by the Senate on May 19, 2011, by the following vote: Yeas 26, Nays 5.

Betsy Graw

Secretary of the Senate

APPROVED:

17 JUN '11

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

JUN 17 2011

W. Gary Richardson

Secretary of State